IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 611 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

1 to 5 No

PANCHAL CLUB THRO' V D PARMAR

Versus

INSPECTOR OF POLICE

Appearance:

1. Special Criminal Application No. 611 of 2002

MR KD VASAVADA for Petitioner No. 1

MR SUDDANSHU S PATEL APP for Respondents

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 27/08/2002

ORAL JUDGEMENT

1. RULE. Heard learned counsel Mr.K.D.Vasavada for the petitioner. Learned A.P.P. Mr.Suddanshu Patel waives

service for the respondents.

2. On behalf of the petitioner, reliance is placed on the order dated 8.8.2000 passed by this Court (Coram: M.S.Shah, J.) in Special Civil Application No.5572 of 2000. There is no reason why similar order should not be passed in this petition also.

3. Having heard he learned counsel representing the parties and on going through the materials on record, it is crystal clear that whenever, in any premises, illegal activities are being carried out, the respondents have a right to, of course, wherever necessary, taking necessary order from the Court, enter into the premises and curb the activities being carried on illegally, but if the premises are being used legally, the authority cannot obstruct the person using and occupying the premises and carrying on the legal activities in the premises. If rummy is being played, that being a permissible game, the petitioner cannot be obstructed from permitting its members to play rummy in the premises.

4. In view of the above, the petition is allowed and it is hereby directed that the respondents shall not interfere with or obstruct the game of rummy being played by the members of the petitioner club in the club premises, making it clear that it would be open to the respondents to take appropriate action according to law, even, if necessary, by entering into the premises if it is found that the petitioner's premises are being used by

any of the members for the activities which are illegal or objectionable in law. Rule is accordingly made absolute. No order as to costs. Direct Service is permitted.

Sd/-

(D.H.Waghela,J.)

(KMG Thilake)